

**U.S. Patent Appl. No.: 10/659,642**  
**PROPOSED CLAIM AMENDMENTS**

1. (Cancelled).

2. (Currently Amended). The method of claim 4~~13~~ wherein a metadata is received at the ~~destination~~-fileserver from a repository node in the list of repository nodes.

3. (Currently Amended). The method of claim 2 further comprising:

selecting the ~~destination~~-fileserver for receiving the metadata and the set of stub files.

4. (Currently Amended). The method of claim 4~~13~~ further comprising:

selecting a share of data for receiving at said ~~destination~~-fileserver.

5. (Currently Amended). The method of claim 4~~13~~ wherein the set of files is the set of files that have been accessed during a specified period; and

wherein the replacing each stub file step further comprises

recursively replacing the stub files associated with the files that were accessed within the specified period until all stub files associated with the set of files have been replaced.

6. (Original). The method of claim 5 wherein the specified period is a most-recent period.

7. (Previously Presented). The method of claim 3 wherein the metadata is associated with a file in the set of files and includes

a fileserver name where the file was created;

a size of the file;

the list of all repository nodes that maintain a replica of the file; and,

a content checksum of the file when the file was first created or last modified.

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8. (Cancelled).

9. (Currently Amended). The system of claim ~~821~~ further comprising  
a filter driver operative to intercept input/output activity initiated by client file requests  
and to maintain a list of modified and created files since a prior backup;  
~~a policy cache operative to store a protection policy associated with a share;~~  
~~a mirror service in communication with the filter driver and with the policy cache, the~~  
~~mirror service configured to prepare modified and created files in a share to be written to a~~  
~~repository as specified in the protection policy associated with the share.~~

10. (Previously Presented). The system of claim 9 further comprising:  
a location cache in communication with the mirror service and configured to indicate  
which repository should receive an updated version of an existing file; and  
a location manager coupled to the location cache and configured to update the location  
cache when the system writes a new file to a specific repository node.

11. (Currently Amended). The system of claim ~~821~~ further comprising  
a local repository having:  
a local repository node API configured to communicate with the fileserver API;  
a local repository file transfer module in communication with the fileserver file  
transfer module and configured to transfer files to the fileserver file transfer module; and  
a data mover in communication with the local repository API and configured to  
supervise the replication of files from the local repository to the fileserver.

12. (Previously Presented). The system of claim 11 wherein the fileserver API is  
configured to communicate with a network and wherein the system further comprises:

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a remote repository having:

    a remote repository node API configured to communicate with the network;

    a remote repository file transfer module in communication with the local file transfer module and configured to transfer files to the files server file transfer module; and

    a data mover in communication with the remote repository API and configured to supervise the replication of files from the remote repository to the files server.

13. **(Currently Amended)**. A method for storing data, the method comprising:

providing a files server having:

    a file system [[operative]] configured to store client files;

    a policy component configured to store a protection policy associated with a set of files;

    a mirror service in communication with the policy component, the mirror service [[operative]] configured to prepare modified and created files in a set of files to be written to a repository as specified in the protection policy associated with the set of files;

    a files server API coupled to the mirror service and configured to communicate with a repository;

    a files server file transfer module in communication with the file system and configured to transfer files for the file system to [[and/or]] or from at least one repository; and,

    a location updating component configured to maintain a list of repository nodes that contain a replica of each file in the set of files and a list of files in the set of files stored at the destination files server;

    said files server is configured to initiate recovery of files in the set of files on the files server, wherein based on the list of files and the list of repository nodes stored at said files server, a replica of a file in the list of files is recovered from a repository node in the list of repository nodes;

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wherein using a stub file in the set of stub files[[,]], said fileserver is configured to allow access to a full content of a file associated with the stub file by receiving a client request for a specified file in the set of files, replacing the stub file with the full content of the specified file associated with the stub file, and replacing remaining stub files in the set of stub files with respective full contents of remaining files in the set of files while replacing the stub file with the full ~~content~~content of the specified file;

    determining a caching level for said fileserver; and  
    recursively, determining a utilization of the fileserver;  
    comparing the caching level against the utilization; and  
    creating a file migration candidate list when the utilization exceeds the caching level;

    staging out one candidate file;  
    replacing the candidate file with a stub file; and  
    determining whether the utilization of the fileserver still exceeds the caching level, wherein said determining if the utilization of the fileserver still exceeds the caching level further comprises staging out another candidate file on the candidate list and again determining if the utilization of the fileserver exceeds the caching level.

14. **(Cancelled)**.

15. **(Currently Amended)**. The method of claim ~~4~~13, wherein said replacing the stub file for the specified file is a higher priority task than replacing the stub files for non-requested files.

16. **(Currently Amended)**. The system according to claim ~~8~~21, wherein the fileserver is configured to receive a metadata from a repository node in the list of repository nodes.

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17. (Previously Presented). The system according to claim 16, wherein the metadata is associated with a file in the set of files and includes

a fileserver name where the file was created;

a size of the file;

the list of all repository nodes that maintain a replica of the file; and,

a content checksum of the file when the file was first created or last modified.

18. (**Currently Amended**). The system according to claim ~~821~~, wherein the set of files is the set of files that have been accessed during a specified period; and

wherein the recovery service is further configured to recursively replace the stub files associated with the files that were accessed within the specified period until all stub files associated with the set of files have been replaced.

19. (Previously Presented). The system according to claim 18, wherein the specified period is a most-recent period.

20. (**Currently Amended**). The method according to claim ~~435~~, wherein the set of files is the set of files that have been accessed during a specified period; and

wherein the recovery service is further configured to recursively replace the stub files associated with the files that were accessed within the specified period until all stub files associated with the set of files have been replaced.

21. (**New**). A system for storing data, the system comprising:

a fileserver having:

~~fileserver hardware;~~

a file system configured to store client files;

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a policy component configured to store a protection policy associated with a set of files;

a mirror service in communication with the policy component, the mirror service configured to prepare modified and created files in a set of files to be written to a repository as specified in the protection policy associated with the set of files;

a fileserver API coupled to the mirror service and configured to communicate with a repository;

a fileserver file transfer module in communication with the file system and configured to transfer files for the file system to and/or from at least one repository; and,

a location updating component configured to maintain a list of repository nodes that contain a replica of each file in the set of files and a list of files in the set of files stored at the destination fileserver;

said fileserver is configured to initiate recovery of files in the set of files on the fileserver, wherein based on the list of files and the list of repository nodes stored at said fileserver, a replica of a file in the list of files is recovered from a repository node in the list of repository nodes;

wherein using a stub file in the set of stub files, ~~is being used~~ said fileserver is configured to allow access to a full content of a file associated with the stub file by receiving a client request for a specified file in the set of files, replacing the stub file with the full content of the specified file associated with the stub file, and replacing remaining stub files in the set of stub files with respective full contents of remaining files in the set of files while replacing the stub file with the full content of the specified file;

said mirror service is configured to

~~a component to determine a caching level for said fileserver; and~~

~~a component to recursively, determine a utilization of the fileserver;~~

~~a component to compare the caching level against the utilization; and~~

~~a component to create a file migration candidate list when the utilization exceeds the caching level;~~

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      a-component-to-stage out one candidate file;  
      a-component-to-replace the candidate file with a stub file; and  
      a-component-to-determine whether the utilization of the fileserver still  
exceeds the caching level, wherein said component-to-determine-determining whether the  
utilization of the fileserver still exceeds the caching level further comprises ~~to-stage-staging~~ out  
another candidate file on the candidate list and again determining if the utilization of the  
fileserver exceeds the caching level.

22. **(New)**. The system according to claim 21, wherein the set of files in the set of files  
that has been accessed during a specified period; and

      wherein ~~the~~ recovery service is ~~further~~ configured to recursively replace the stub files  
associated with the files that were accessed within the specified period until all stub files  
associated with the set of files have been replaced.